

March 12, 2013 Briefing with John Kemmerer

The SED describes the following elements that will be added to the Water Quality Control Plan:

- The existing numeric criteria for electrical conductivity/salinity designed to protect the agricultural use will be relaxed from 0.7 dS/m April-Aug and 1.0 dS/m Sept-March to 1.0 dS/m in all months at Vernalis and three additional compliance points in the southern delta
- The following narrative standard for the protection of fish and wildlife will be added:
Maintain flow conditions from the San Joaquin River Watershed to the Delta at Vernalis, together with other reasonably controllable measures in the San Joaquin River Watershed, sufficient to support and maintain the natural production of viable native San Joaquin River watershed fish populations migrating through the Delta. Flow conditions that reasonably contribute toward maintaining viable native migratory San Joaquin River fish populations include, but may not be limited to, flows that mimic the natural hydrographic conditions to which native fish species are adapted, including the relative magnitude, duration, timing, and spatial extent of flows as they would naturally occur. Indicators of viability include abundance, spatial extent or distribution, genetic and life history diversity, migratory pathways, and productivity.
- This narrative standard has an associated “program of implementation” that includes setting a flow equal to 35% of what the unimpaired flow (UIF) would be on a 14 day running average to be met at Vernalis and the base of the three tributaries: Stanislaus, Merced and Tuolumne Rivers along with a Feb-June baseline flow requirement of 1,000 cfs at Vernalis
- The existing flow criteria in the WQCP of 1,000 cfs at Vernalis in October is retained. No flow requirements will exist in the other six months of the year.
- The total amount of flow in the Feb-Jun time frame is proposed to be “adaptively managed” by a group of agencies and water users on a within-year basis and between year basis in a range from 25 to 45% with Executive Officer approval
- **Background Note:** State Board question’s EPA’s authority to take action on a flow based criteria. However, EPA did so in 1995 and recently has been losing lawsuits on not acting on “implementation” portions of water quality standards that actually make substantive changes to the standard. No immediate decision or position is needed on this aspect since the water quality standards changes are only draft at this time.

Our main comments on the SED are:

(b) (5) deliberative

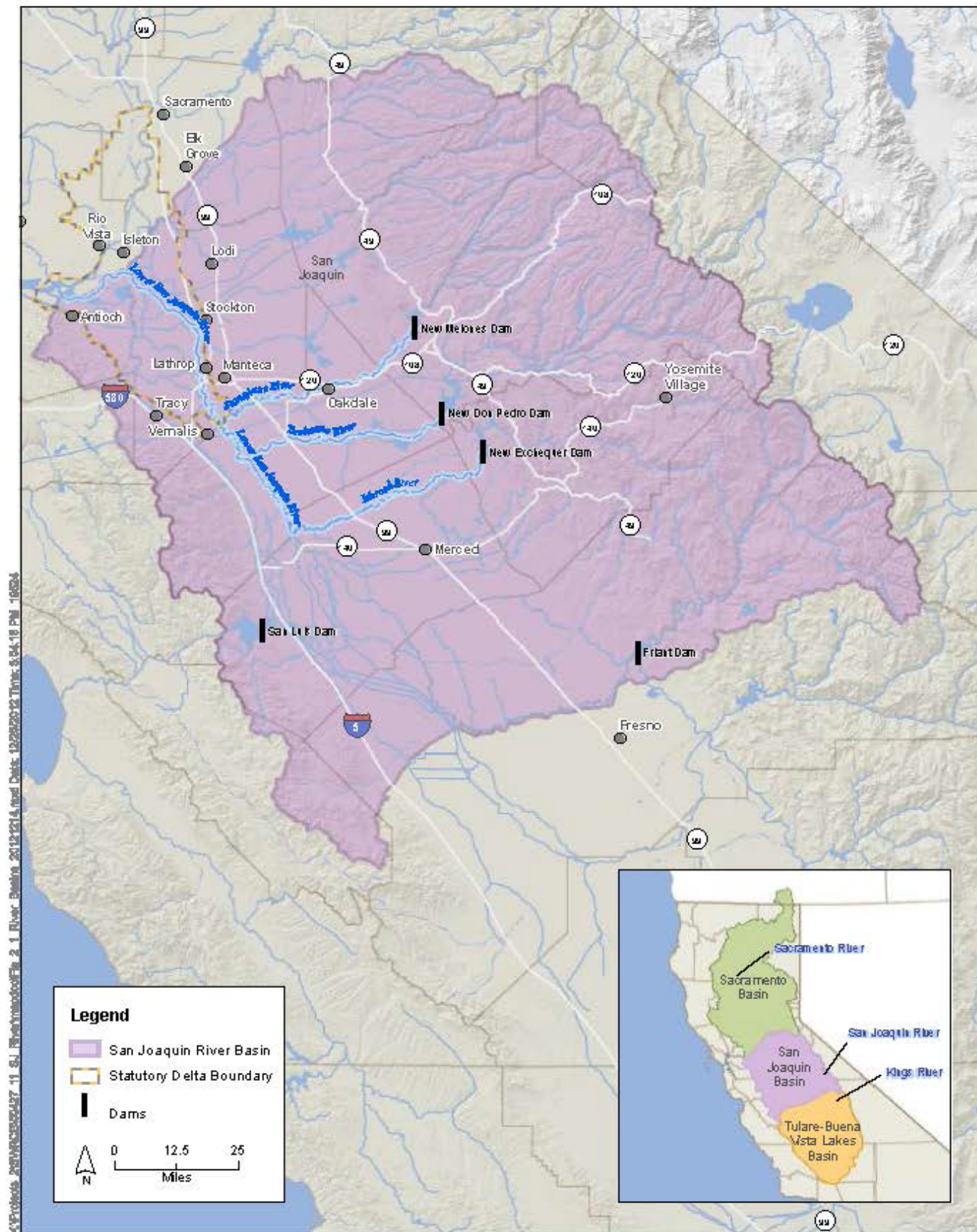


Figure 2-1
Central Valley Basin and San Joaquin River Basin